International Criminal Court ICC-ASP/2/WGSR/L.1

Assembly of States Parties

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Draft report of the Working Group on Staff Regulations

I. Introduction

1. The Working Group on Staff Regulations of the Assembly of States Parties to the Rome Statute of the International Criminal Court which was established during the second session of the Assembly, on 8 September 2003, held three meetings, on 9, 10 and 11 September 2003. It also held informal consultations on 11 September 2003. Following consultations with the Bureau, the President of the Assembly appointed Gaile Ann Ramoutar (Trinidad and Tobago) as Chairperson of the Working Group.

2. The Codification Division of the Office of Legal Affairs of the United Nations Secretariat provided the substantive servicing to the Working Group.

3. The Working Group had before it the draft staff regulations for the Court contained in the annex to document ICC-ASP/2/6, prepared by the Registrar, with the agreement of the Presidency and the Prosecutor of the Court, in compliance with article 44, paragraph 3, of the Statute. At the first meeting of the Working Group, the Registrar of the Court, Bruno Cathala, introduced the draft staff regulations.

II. Consideration of the draft staff regulations

4. At its first and second meetings, the Working Group considered articles 1 through 12 of the draft staff regulations. The Registrar answered the questions put to him by delegates and clarified the points on which clarifications were requested.

5. At its third meeting, on 11 September 2003, the Working Group adopted the draft staff regulations contained in the annex to document ICC-ASP/2/6, with the following amendments to regulation 12.2 (changes shown in bold type):

Regulation 12.2

The Registrar, **with the agreement of the Presidency and the Prosecutor,** shall provide such staff rules that are consistent with the present Staff Regulations as they

consider necessary. **The full text of provisional staff rules and amendments shall be reported annually to the Assembly. Should the Assembly, upon consideration, find that a provisional rule and/or amendment is inconsistent with the intent and purpose of the Regulations, it may direct that the rule and/or amendment be withdrawn or modified.**

III. Recommendation to the Assembly of States Parties

6. The Working Group on Staff Regulations recommends that the Assembly of States Parties to the International Criminal Court approve, in accordance with article 44, paragraph 3 of the Rome Statute of the International Criminal Court, the draft staff regulations for the Court contained in the annex to document ICC-ASP/2/6, as amended in paragraph 5 above.

7. The Working Group also recommends to the Assembly the adoption of the following resolution:

"**Staff regulations for the International Criminal Court**

"*The Assembly of States Parties to the Rome Statute of the International Criminal Court,*

"*Considering* article 44, paragraph 3, of the Rome Statute, according to which the Registrar, with the agreement of the Presidency and the Prosecutor, shall propose to the Assembly of States Parties to the Statute staff regulations which include the terms and conditions upon which the staff of the Court shall be appointed, remunerated and dismissed,

"*Considering* article 38, paragraph 3, of the Rome Statute, according to which the Presidency shall be responsible for the proper administration of the Court, with the exception of the Office of the Prosecutor,

"*Considering* article 42, paragraph 2, of the Rome Statute, according to which the Prosecutor shall have full authority over the management and administration of the Office, including staff, facilities and other resources thereof,

"*Considering* article 43, paragraphs 1 and 2, of the Rome Statute, according to which the Registrar shall be the principal administrative officer of the Court exercising his functions under the authority of the President of the Court, and on the basis of which he shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42 of the Rome Statute,

"*Considering* the Rules of Procedure and Evidence adopted by the Assembly of States Parties on 9 September 2002,

"*Emphasizing* the need to establish a flexible, efficient and fair system for the appointment, remuneration and dismissal of staff of the Court taking into account the requirements of each of the organs of the Court,

"*Noting and encouraging* the ongoing coordination and cooperation between the Organs of the Court,

"1. *Approves* the Staff Regulations for the International Criminal Court, which are contained in the annex to the present resolution;

"2. *Decides* that, in accordance with its resolution ICC-ASP/1/Res.10, nationals from States parties and from those States having engaged in the process of ratification of or accession to the Statute should have adequate representation of the staff of the Court; however, applications from nationals of non-States parties may also be considered;

"3. *Decides further* that its resolution ICC-ASP/1/Res.10 shall continue to apply [until the implementation of the Staff Rules to be provided in accordance with regulation 12.2 of the Staff Regulations.]

"**Annex**

[To be completed]"